

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

NOTICE OF HEARING AND MOTION FOR TURNOVER OF RECORDS

TO: Steve Mathiesen, 612 Weber Drive, Sturgis, SD 57785-2016.

1. Randall L. Seaver, the Chapter 7 Trustee herein, moves the Court for the relief request below and gives Notice of hearing herewith.

2. The Court will hold a hearing on this motion at 10:00 a.m. on October 7, 2009 Courtroom No. 8 West, U.S. Bankruptcy Court, 300 South Fourth Street, Minneapolis, MN 55415 or as soon thereafter as counsel can be heard. Under applicable rules, any objection must be in writing, be delivered to the Trustee and the United States Trustee, and be filed with the clerk, not later than October 2, 2009 which is 3 days before the above date or filed and served by mail not later than September 28, 2009 which is 7 days before the time set for hearing in accordance with Local Rules. **UNLESS A RESPONSE IS TIMELY SERVED AND FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

3. This Court has jurisdiction over this Motion under 28 U.S.C. §157 and §1334 and Bankruptcy Rule 5005. This Motion is filed under Local Rule 9013-2, this proceeding arises under 11 U.S.C. §542 and Local Rule 6072-1.

4. The petition commencing this Chapter 7 case was filed on June 4, 2009. The case is now pending in this Court.

5. It appears that the Debtor had paid Steve Mathiesen several thousand dollars pre-petition for use of Mr. Mathiesen's Sturgis, South Dakota home in conjunction with the Sturgis Motorcycle Rally held in August, 2009. The Trustee seeks turnover of all documents relating to or evidencing any correspondence (written or e-mail), payments, lease agreements and contracts relating to or evidencing negotiations for the lease, lease payments, and the lease or contract for any use or rental of the Mathiesen home or other property from Mr. Mathiesen by Dennis E. Hecker or any of his entities.

WHEREFORE, the Trustee requests an Order of the Court requiring the Debtor to turn over to the Trustee, within seven (7) days from the date of the hearing, all documents relating to or evidencing any correspondence (written or e-mail), payments, lease agreements and contracts relating to or evidencing negotiations for the lease, lease payments, and the lease or contract for any use or rental of the Mathiesen home or other property from Mr. Mathiesen by Dennis E. Hecker or any of his entities.

**LEONARD, O'BRIEN
SPENCER, GALE & SAYRE, LTD.**

/e/ Matthew R. Burton

Dated: September 18, 2009

By _____
Matthew R. Burton, #210018
Attorneys for Randall L. Seaver, Trustee
100 South Fifth Street, Suite 2500
Minneapolis, Minnesota 55402-1216
(612) 332-1030

VERIFICATION

I, Randall L. Seaver, Trustee for the Bankruptcy Estate of Dennis E. Hecker, named in the foregoing Notice of Hearing and Motion for Turnover of Property declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on September 18, 2009

/e/ Randall L. Seaver

Randall L. Seaver, Trustee

408876

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

UNSWORN CERTIFICATE OF SERVICE

I hereby certify that on September 18, 2009, I caused the following documents:

Notice of Hearing and Motion for Turnover of Records and Order (proposed)

to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

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I further certify that I caused a copy of the foregoing documents to be mailed by first class mail, postage paid, to the following:

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Sturgis, SD 57785-2016

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/e/ Stephanie Wood

Dated: September 18, 2009

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Minneapolis, MN 55402
(612) 332-1030

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Dennis E. Hecker,

BKY No. 09-50779

Debtor.

ORDER

This case is before the court on the motion of Randall L. Seaver, Chapter 7 Trustee, for turnover of property of the estate.

Upon the motion and the files,

IT IS HEREBY ORDERED that within seven (7) days from the entry of this Order, Steve Mathiesen shall turnover to the Trustee all documents relating to or evidencing any correspondence (written or e-mail), payments, lease agreements and contracts relating to or evidencing negotiations for the lease, lease payments, and the lease or contract for any use or rental of the Mathiesen home or other property from Mr. Mathiesen by Dennis E. Hecker or any of his entities.

BY THE COURT:

Dated: _____

Robert J. Kressel
U.S. Bankruptcy Judge